

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
v.) CASE NO. 2:05CR175-LSC
)
MARCUS JABOR ALLS)

ORDER

Upon consideration of the defendant's Motion For Detention Hearing, filed on 13 February 2006 (Doc. # 45), and for good cause, it is

ORDERED that the motion is DENIED.

The defendant, MARCUS ALLS ["Alls"] is currently on trial in this district. On 21 December 2005, while he was on release pending his trial, the probation officer filed a Petition to revoke his release because of his alleged commission of a violation of state law in Troy, Alabama, in Pike County, within the Middle District of Alabama. He is currently held on a federal detainer for that alleged violation of his pretrial release.

The major obstacle to scheduling a detention hearing is its obvious interference with Alls's trial. Moreover, it is likely that the trial will conclude within the next 1-2 days. If Alls is acquitted, he will be released and discharged from this court's jurisdiction, for there will be no basis for detaining him further. On the other hand, if he is convicted, he cannot be released unless the court finds that there are exceptional circumstances which warrant it.

Accordingly, the court deems it a most imprudent use of judicial resources to disrupt the defendant's trial to conduct a detention hearing. If the defendant is convicted, he may

apply for release, at which time the court will consider the impact of the allegations in the petition to revoke his release, including possibly a hearing on the petition.

Accordingly, it is

ORDERED that the motion for detention hearing is DENIED at this time.

DONE this 15th day of February, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE